

David B. Chenkin
Kenneth C. Rudd
BJ Finneran
ZEICHNER ELLMAN & KRAUSE LLP
1211 Avenue of the Americas
New York, New York 10036
(212) 223-0400
(212) 753-0396 (fax)

Attorneys for Defendant Bank of America, N.A.,
as successor by merger to Countrywide Bank, N.A.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NANCE M. HUTTER,

Plaintiff,

- against -

COUNTRYWIDE BANK, N.A., a subsidiary of
COUNTRYWIDE FINANCIAL
CORPORATION, WATERMARK CAPITAL,
INC. and EVOLUTION MORTGAGE, INC.,

Defendants.

Case No. 09 CV 10092 (NSR)(LMS)

STIPULATION

WHEREAS, at a court conference on November 7, 2013, this Court permitted Plaintiff to make a motion for leave to file a Fourth Amended Complaint and required Plaintiff's counsel to submit with said motion a proposed Fourth Amended Complaint marked to show all changes from the Third Amended Complaint;

WHEREAS, by motion dated November 25, 2013 (the "Motion") [D.E. 127], plaintiff moved to file a Fourth Amended Complaint and join parties, and she submitted therewith a proposed Fourth Amended Complaint containing markings that showed some, but not all changes from the Third Amended Complaint;

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 4/3/2014

WHEREAS, on or about March 4, 2014, counsel for defendant Bank of America, N.A., as successor to Countrywide Bank, N.A., brought to the attention of Plaintiff's counsel the fact that the markings to the pleading were inaccurate;

WHEREAS, by letter dated March 27, 2014, sent to this Court, Plaintiff's counsel advised the Court that the markings to the proposed Fourth Amended Complaint did not reflect all changes and;

WHEREAS, on April 1, 2014, the parties and the Court, by its law clerk, held a telephonic conference at which it was agreed that Plaintiff could supplement her Motion by submitting a copy of her proposed Fourth Amended Complaint that was accurately and completely marked to show all changes from the Third Amended Complaint (the "Accurately Marked FAC") and any defendant could supplement its opposition to the Motion on the schedule below,

IT IS HEREBY STIPULATED AND AGREED by and between counsel for plaintiff and defendants, that:

1. Plaintiff will file on ECF and thereby serve on all parties an Accurately Marked FAC on or before April 8, 2014;
2. Any defendant that wishes to supplement its opposition to the Motion based on the Accurately Marked FAC may do so by filing on ECF and pursuant to the Court's rules supplemental opposition papers to the Motion on or before April 25, 2014; and

3. This Stipulation may be signed in counterparts and submitted to the Court without further notice, and that electronic/facsimile copies and/or photocopies shall be considered originals for all purposes.

Dated: New York, New York
April 2, 2014

STEPHEN A. KATZ, P.C.

By: 

Stephen A. Katz, Esq.
Attorneys for Plaintiff
111 John Street, Suite 800
New York, New York 10038-3180
(212) 349-6400

JANUS LAW, P.C.

By: _____

Michael E. Janus, Esq.
Attorneys for Defendant
Evolution Mortgage, Inc.
825 East Gate Boulevard, Suite 308
Garden City, New York 11530
(516) 683-1200

ZEICHNER ELLMAN & KRAUSE LLP

By: 

David B. Chenkin, Esq.
Kenneth C. Rudd, Esq.
BJ Finneran, Esq.
Attorneys for Defendant
Bank of America, N.A., as successor
to Countrywide Bank, N.A.
1211 Avenue of the Americas
New York, New York 10036
(212) 223-0400

LAW OFFICE OF JOHN T. SERIO

By: _____

John T. Serio, Esq.
Attorneys for Defendant
Watermark Capital, Inc.
114 Old Country Road, Suite 420
Mineola, New York 11501
(516) 248-5317

SO ORDERED

U.S.D.J.

3. This Stipulation may be signed in counterparts and submitted to the Court without further notice, and that electronic/facsimile copies and/or photocopies shall be considered originals for all purposes.

Dated: New York, New York
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Dated: 4/3/2014
White Plains, NY

SO ORDERED

U.S.D.J.
Nelson S. Román 4/3/14